

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case No. 21-03108-01-CR-S-BCW**
)
BILLY PUCKETT,)
)
Defendant.)

Findings of Fact and Adjudication Order

The Court held a bench trial on this matter June 5, 2023. Defendant is charged with receipt of child pornography in violation of 18 U.S.C. § 2252(a)(2). The Court finds that the Government has proven all essential elements beyond all reasonable doubt:¹

This Court finds that between approximately January 1, 2018 and August 28, 2020 the defendant knowingly received photographs and a video that contained visual depictions of child pornography. The Government's witnesses, the Defendant's cell phone (Government's Exhibit Two), and the cell phone forensic report (Government's Exhibit Three) establish images removed from a cell phone possessed by Defendant include depictions of child pornography.

The Court also finds that the defendant knew that the visual depictions were of minors engaging in sexually explicit conduct. Testimony from the Government's witnesses and Defendant's post-Miranda admissions establish that the cell phone from which the pornographic images were extracted had been in Defendant's possession prior to seizure by the Government.

¹ Eighth Circuit Model Instruction 6.18.2252.

Further, the parties have stipulated that the images in question do in fact depict child pornography (Government Exhibit 3).

This Court further finds the visual depictions had been transported in interstate or foreign commerce. The parties have stipulated to this element (Government's Exhibit 10).

At trial, Defendant generally renewed his argument about improper search and seizure, previously overruled by this Court. (Doc. 20). This Court, however, finds no reason to reconsider its prior ruling and hereby reaffirms its denial of Defendant's Motion to Suppress. (Doc. 37).

During trial, Defendant orally reaffirmed waiver of his right to a jury trial as well as his right to testify on his behalf. This Court finds such waivers to be valid. This Court finds beyond all reasonable doubt that Defendant committed the crime charged.

Based on the foregoing, this Court finds Defendant **GUILTY** beyond a reasonable doubt of receiving child pornography in violation of 18 U.S.C. § 2252(a)(2). It is **FURTHER ORDERED** that Defendant remain in custody until sentencing. It is also **FURTHER ORDERED** that the United States Probation Office prepare a presentence investigation report.

IT IS SO ORDERED.

Dated: June 5, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge